

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

QUENTIN SUTTLES,

Plaintiff,

VERIFIED COMPLAINT

v.

CITY OF BUFFALO, OFFICER
JOHN DAVIDSON, OFFICER RUSSELL
SULLIVAN, OFFICER JOHN/JANE
DOE(S), et.al.

Defendants.

JURY TRIAL DEMANDED

Plaintiff demands a jury to try all claims triable by a jury.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 1331 and 1343 (a) (3). Court also has supplemental jurisdiction pursuant to 28 U.S.C. §1367 to adjudicate Plaintiff's claims under state law.
2. The Western District of New York is an appropriate venue under 28 U.S.C. §1391 (b) (2) because a substantial part of the events or omissions giving rise to the claims occurred in this district.

THE PARTIES

3. Plaintiff QUENTIN SUTTLES ("Plaintiff" or "Mr. Suttles") is an individual black male who at all relevant times was a resident of Erie County in the city of Buffalo in New York State.
4. THE CITY OF BUFFALO ("DEFENDANT CITY") is a municipal corporation organized under the laws of the State of New York. At all relevant times, DEFENDANT CITY, acting through the DEFENDANT BUFFALO POLICE

DEPARTMENT ("BPD"), was responsible for the policy, practice, supervision, implementation, and conduct of all BPD matters and was responsible for the appointment, training, supervision, discipline and retention and conduct of all BPD personnel.

5. In addition, at all times relevant times, DEFENDANT CITY was responsible for enforcing the rules of the BPD, and for ensuring that the BPD personnel obey all federal and state laws.
6. BPD Officer JOHN DAVIDSON ("DEFENDANT DAVIDSON") was, at all relevant times, a white police officer of the BPD, and as such was acting in the capacity of an agent, servant, and employee of DEFENDANT CITY. Upon information and belief, at all times relevant hereto, DEFENDANT DAVIDSON was Plaintiff's "arresting officer" and was under the command of the BPD. DEFENDANT DAVIDSON is also sued in his individual capacity.
7. BPD Officer RUSSELL SULLIVAN ("DEFENDANT SULLIVAN") was, at all relevant times, a white police officer of the BPD, and as such was acting in the capacity of an agent, servant and employee of DEFENDANT CITY. Upon information and belief, at all times relevant hereto, DEFENDANT SULLIVAN was Plaintiff's "arresting officer" and was under the command of the BPD. DEFENDANT SULLIVAN is also sued in his individual capacity.
8. All other individual Defendants ("DEFENDANT OFFICERS") including JOHN/JANE Doe #1-100, individuals whose names are currently unknown to Plaintiff, are employees of the BPD, and are sued in their individual capacities.
9. DEFENDANT CITY, BPD, DEFENDANT DAVIDSON, DEFENDANT SULLIVAN and DEFENDANT OFFICERS are collectively referred to as "DEFENDANTS" as applicable herein.

10. At all times here mentioned DEFENDANTS were acting under color of state law, to wit, under color of the statutes, ordinances, regulations, policies, customs and usages of the City of Buffalo and State of New York.

NOTICE OF CLAIM

11. Within 90 days of being released on May 23, 2023, Plaintiff filed a written Notice of Claim ("Notice") with Corporation Counsel for DEFENDANT CITY.

12. A hearing pursuant NY General Municipal Law § 50-H was held on June 15, 2023.

13. Over 30 days have elapsed since the filing of Notice, and this matter has not been settled or otherwise disposed of.

FACTUAL ALLEGATIONS

14. On or about September 8, 2019, Defendants illegally stopped and searched Plaintiff while he was a passenger in a motor vehicle traveling in the city of Buffalo. Defendants, lacking probable cause for the stop or seizure forcibly removed Plaintiff from the rear of the vehicle, attacked, and arrested him for criminal possession of a weapon in the second degree.

15. As a result of Defendants' unlawful actions, Plaintiff was sentenced to a four (4) years' incarceration followed by five (5) years of post-release supervision. Plaintiff was released from custody on or about March 29, 2023, after the Appellate Division of the Fourth Department of the Supreme Court of the State of New York vacated his plea, dismissed the indictment, agreed that the Court erred in allowing illegally obtained physical evidence and Defendants lacked probable cause to stop the vehicle.

16. As a direct and proximate result of the acts of defendants, Plaintiff suffered severe and permanent injuries including, but not limited to, emotional trauma,

mental anguish and stress, imprisonment for over eighteen (18) months, embarrassment, emotional distress, loss of earnings, extreme inconvenience, loss of privacy, anxiety, loss of liberty, medical costs, loss of enjoyment of life, and physical pain and suffering.

FIRST CAUSE OF ACTION:
(FALSE ARREST AND ILLIGAL IMPRISONMENT)

17. All previous paragraphs are incorporated herein by reference as though fully set forth.
18. Defendants subjected Plaintiff to false arrest, imprisonment, and deprivation of liberty without probable cause.
19. Defendants have deprived plaintiff of his civil, constitutional and statutory rights and have conspired to deprive him of such right and are liable to Plaintiff under 42 U.S.C. §§ 1983 and 1985 and the New York State Constitution.

SECOND CAUSE OF ACTION:
(MUNICIPAL LIABILITY)

20. All previous are incorporated herein by reference as though fully set forth.
21. Defendant CITY OF BUFFALO is liable for the damages suffered by the Plaintiff as a result of the conduct of its employees, agents, and servants.
22. Defendant CITY OF BUFFALO knew or should have know of their employees', agents' or servants' propensity to engage in the illegal and wrongful acts detailed above.
23. Upon information and belief, defendants and their supervisors have in the past falsely arrested individuals without probable cause, and made, and allowed other fellow police officers to make false entries in official police department records to cover up and hide their wrongful conduct.
24. Defendant CITY OF BUFFALO has failed to take steps necessary to discipline,

train, supervise or otherwise correct the improper, illegal conduct of the individual defendants in this and in similar cases involving misconduct.

25. Defendant CITY OF BUFFALO has damaged the plaintiff by its failure to properly supervise, train, discipline, review, remove, or correct the illegal and improper acts of its employees, agents or servants in this and in similar cases involving police misconduct.

26. Defendants subjected plaintiff to false arrest and false imprisonment.

THIRD CAUSE OF ACTION:
(FOURTH AMENDMENT)

27. All previous are incorporated herein by reference as though fully set forth.

28. Plaintiff makes a claim under 42 USC § 1983 for violation of the Fourth Amendment of the U.S. Constitution.

29. The Fourth Amendment does not permit Defendants to use excessive force. The right to be free from excessive force in the context of an arrest is clearly established under the Fourth Amendment.

30. The individual Defendants' use of force against Plaintiff was not reasonable under the circumstances and was excessive.

31. Wherefore, as a direct and proximate result of the actions of Defendants Plaintiff has suffered extensive damages.

32. All previous paragraphs are incorporated herein by reference as though fully set forth.

33. Plaintiff brings this claim under 42 USC § 1983 for violation of the Fourth Amendment of the U.S. Constitution.

34. DEFENDANTS' use of force against Plaintiff was excessive.

35. Wherefore, as a direct and proximate result of DEFENDANTS' actions, Plaintiff has suffered extensive damages.

FOURTH CAUSE OF ACTION:
**INTENTIONAL TORTS: FALSE ARREST, FALSE IMPRISONMENT,
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
AGAINST INDIVIDUALLY NAMED DEFENDANTS**

36. All previous paragraphs are incorporated herein by reference as though fully set forth.
37. All of the individual Defendants named in this Complaint are employees, deputies and/or agents of municipalities.
38. All acts of the individual Defendants alleged above were conducted within the scope of the Defendants' employment or duties.
39. The actions of the individual Defendants were willful, malicious and in violation of the known rights of Plaintiff.
40. The conduct was intentional and done through the assertion of legal authority over Plaintiff.
41. The extreme and outrageous conduct intentionally or recklessly caused severe emotional distress to Plaintiff.
42. Wherefore, as a direct and proximate cause of these actions, Plaintiff has suffered extensive damages.

FIFTH CAUSE OF ACTION:
(FOURTEENTH AMENDMENT)

43. All previous paragraphs are incorporated herein by reference as though fully set forth.
44. Defendants illegally arrested plaintiff subjecting him to false arrest, imprisonment and deprivation of liberty without probable cause.
45. That as a result of the foregoing, the plaintiff has been deprived of his following rights, privileges and immunities secured him by the constitution and the laws of the United States: the right to be secure in his person and effects against

unreasonable search and seizure under the Fourth and Fourteenth Amendments; the rights of the plaintiff not to be deprived of life, liberty or property without due process of law under Fourth and Fourteenth Amendments; and the right to be free from a deprivation of his civil rights in violation of the statutes made and provided.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that this Court:

- A. Enter judgment in favor of Plaintiff and against Defendants;
- B. Enter an Order declaring the conduct of Defendants unconstitutional;
- C. Award Plaintiff compensatory and punitive damages as well as attorneys' fees and costs against Defendants;
- D. Enter a permanent injunction requiring Defendant City of Buffalo and the Buffalo Police Department to identify all officers responsible for Plaintiff's damages and take steps to discipline those officers and train all other officers to prevent future misconduct;
- E. Grant Plaintiff such other and further relief as may be just and proper under the circumstances.

Dated: January 25, 2023
Buffalo, New York

/s/ Prathima Reddy Price
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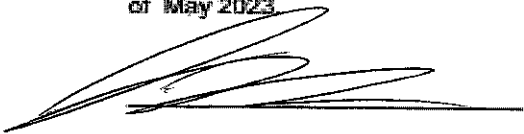
VERIFICATION

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

QUENTIN SUTTLES, being duly sworn, deposes and says that deponent is the Claimant in the within action; that deponent has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to deponent's own knowledge, except as to matters therein stated to be alleged upon information and belief, and that as to those matters, deponent believes it to be true.


QUENTIN SUTTLES

Sworn to before me this 23rd day
of May 2023.



MARIA J ZIENTARA
NOTARY PUBLIC STATE OF NEW YORK
ERIE COUNTY
LIC. #01ZI6335222
COMM. EXP. 01/04/2024